

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL URBAN LEAGUE, and  
others,

Plaintiffs,

v.

WILBUR L. ROSS, JR., and others,  
Defendants.

Case No. 20-cv-05799 LHK

**ORDER IN RESPONSE TO  
DEFENDANTS' FAILURE TO  
COMPLY WITH COURT ORDER  
TO PRODUCE PRIVILEGE LOG**

Re: ECF 390

When the Department of Justice makes representations to the Court, the Court should be able to rely upon those representations. At 10:43 p.m. on December 14, 2020, in a Joint Statement Re: Privilege Log and Privilege Disputes, ECF 380, the parties jointly proposed “the following schedule and deadlines . . . .” The very first deadline proposed was “**December 14, 2020:** Defendants provide their first privilege log, accompanying their production of over 60,000 documents.” ECF 382 at 3:6-7 (bold in original). In reliance on that proposal, on December 15 the Court set deadlines flowing from the December 14 privilege log, including filings due today. ECF 383. Now Defendants state that their mention of a December 14 privilege log in the ECF 382 statement was an “oversight” and “inadvertent.” ECF 390. No privilege log has been served.

1 Defendants have not moved for an extension of the deadlines established by the  
2 Court in ECF 383. Instead, they have gifted themselves a one-week extension to  
3 December 21 to serve their first log. And Defendants have not explained their error or  
4 why it should be excused.

5 The Court therefore orders Defendants to show cause in writing filed by noon PST  
6 on December 18 why they should not be found to have waived all privileges in connection  
7 with the documents responsive to Plaintiffs' pending document requests and those ordered  
8 produced by Judge Koh in ECF 372 and 380. An exception to the waiver would be  
9 documents identified on a December 8 log, as Plaintiffs state that there are no remaining  
10 disputes as to those documents. ECF 389 n.1. Plaintiffs may respond and file a proposed  
11 order by 7:00 p.m. PST on December 18.

12 The deadlines set in ECF 383 remain in place.

13 **IT IS SO ORDERED.**

14  
15 Dated: December 17, 2020

16   
17 \_\_\_\_\_  
18 NATHANAEL M. COUSINS  
19 United States Magistrate Judge

20 \_\_\_\_\_  
21 /S/  
22 SUSAN VAN KEULEN  
23 United States Magistrate Judge

24 \_\_\_\_\_  
25 /S/  
26 THOMAS S. HIXSON  
27 United States Magistrate Judge  
28